

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**FIDELITY AND DEPOSIT COMPANY OF )  
MARYLAND, )  
Plaintiff, )  
vs. ) CIVIL ACTION NO. 06-0338-CG-M  
AMERICAN CONSERTECH, INC., et al., )  
Defendants. )**

## **JUDGMENT**

Pursuant to this court's orders of October 11, 2007 and April 9, 2008, granting summary judgment in favor of plaintiff, **Fidelity & Deposit Company of Maryland** ("F&D") as to defendants **Charles Zeller** and **Patricia Ann Zeller** (also known as **Patricia Geiss**) and upon consideration of the Motion for Entry of Judgment on Damages (Doc. 111) and the attached affidavit and exhibits, this Court finds that F&D is entitled to entry judgment in its favor and against **Charles Zeller** and **Patricia Ann Zeller** and orders as follows:

**IT IS HEREBY ORDERED** that **Charles Zeller** and **Patricia Ann Zeller** are jointly and severally liable to F&D under General Agreements of Indemnity executed on May 8, 2002, and March 24, 2003, to indemnify F&D for its costs and damages incurred pursuant to F&D's performance of the defaulted performance and payment obligations of American Consertech, Inc., pursuant to payment and performance bonds PRF 8650587, PRF 8650584, PRF 8650581, PRF 8650572, and PRF 8650564;

**IT IS FURTHER ORDERED** that the liability of **Charles Zeller** and **Patricia Ann Zeller** shall be joint and several with the liability adjudged as to Scott Cope, Gloria Cope, and American ConserTech, Inc., in this Court's Order granting default judgment against Scott Cope,

Gloria Cope, and American ConserTech, Inc. in these proceedings;

**IT IS FURTHER ORDERED** that F&D's costs and damages, for which the defendants, **Charles Zeller** and **Patricia Ann Zeller** are jointly and severally liable, are in the amount of **\$3,533, 396.00**;

**IT IS FURTHER ORDERED** that **Charles Zeller** and **Patricia Ann Zeller** shall pay to F&D the amount of **\$3,533, 396.00**.

**DONE and ORDERED** this 18<sup>th</sup> day of June, 2008.

/s/ Callie V. S. Granade  
CHIEF UNITED STATES DISTRICT JUDGE